

1-1 By: Clardy, et al. (Senate Sponsor - Fallon) H.B. No. 3231
 1-2 (In the Senate - Received from the House May 2, 2019;
 1-3 May 3, 2019, read first time and referred to Committee on State
 1-4 Affairs; May 20, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 2;
 1-6 May 20, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15		X		
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3231 By: Fallon

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the regulation of firearms, air guns, knives,
 1-22 ammunition, or firearm or air gun supplies or accessories by a
 1-23 county or municipality.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 229.001, Local Government Code, is
 1-26 amended by amending Subsections (a), (b), (d), (e), and (f) and
 1-27 adding Subsections (a-1), (b-1), and (d-1) to read as follows:

1-28 (a) Notwithstanding any other law, including Section 43.002
 1-29 of this code and Chapter 251, Agriculture Code, a municipality may
 1-30 not adopt regulations relating to:

1-31 (1) the transfer, possession, wearing, carrying,
 1-32 ~~[private]~~ ownership, storage ~~[keeping]~~, transportation, licensing,
 1-33 or registration of firearms, air guns, knives, ammunition, or
 1-34 firearm or air gun supplies or accessories; ~~[or]~~

1-35 (2) commerce in firearms, air guns, knives,
 1-36 ammunition, or firearm or air gun supplies or accessories; or

1-37 (3) the discharge of a firearm or air gun at a sport
 1-38 shooting range.

1-39 (a-1) An ordinance, resolution, rule, or policy adopted or
 1-40 enforced by a municipality, or an official action, including in any
 1-41 legislative, police power, or proprietary capacity, taken by an
 1-42 employee or agent of a municipality in violation of this section is
 1-43 void.

1-44 (b) Subsection (a) does not affect the authority a
 1-45 municipality has under another law to:

1-46 (1) require residents or public employees to be armed
 1-47 for personal or national defense, law enforcement, or another
 1-48 lawful purpose;

1-49 (2) regulate the discharge of firearms or air guns
 1-50 within the limits of the municipality, other than at a sport
 1-51 shooting range;

1-52 (3) except as provided by Subsection (b-1), adopt or
 1-53 enforce a generally applicable zoning ordinance, land use
 1-54 regulation, fire code, or business ordinance ~~[regulate the use of~~
 1-55 ~~property, the location of a business, or uses at a business under~~
 1-56 ~~the municipality's fire code, zoning ordinance, or land-use~~
 1-57 ~~regulations as long as the code, ordinance, or regulations are not~~
 1-58 ~~used to circumvent the intent of Subsection (a) or Subdivision (5)~~
 1-59 ~~of this subsection];~~

1-60 (4) regulate the use of firearms, air guns, or knives

2-1 in the case of an insurrection, riot, or natural disaster if the
 2-2 municipality finds the regulations necessary to protect public
 2-3 health and safety;

2-4 (5) regulate the storage or transportation of
 2-5 explosives to protect public health and safety, except that 25
 2-6 pounds or less of black powder for each private residence and 50
 2-7 pounds or less of black powder for each retail dealer are not
 2-8 subject to regulation;

2-9 (6) regulate the carrying of a firearm or air gun by a
 2-10 person other than a person licensed to carry a handgun under
 2-11 Subchapter H, Chapter 411, Government Code, at a:

2-12 (A) public park;

2-13 (B) public meeting of a municipality, county, or
 2-14 other governmental body;

2-15 (C) political rally, parade, or official
 2-16 political meeting; or

2-17 (D) nonfirearms-related school, college, or
 2-18 professional athletic event;

2-19 (7) regulate the carrying of a firearm by a person
 2-20 licensed to carry a handgun under Subchapter H, Chapter 411,
 2-21 Government Code, in accordance with Section 411.209, Government
 2-22 Code;

2-23 (8) regulate the hours of operation of a sport
 2-24 shooting range, except that the hours of operation may not be more
 2-25 limited than the least limited hours of operation of any other
 2-26 business in the municipality other than a business permitted or
 2-27 licensed to sell or serve alcoholic beverages for on-premises
 2-28 consumption; ~~or~~

2-29 (9) ~~(8)~~ regulate the carrying of an air gun by a
 2-30 minor on:

2-31 (A) public property; or

2-32 (B) private property without consent of the
 2-33 property owner; or

2-34 (10) except as provided by Subsection (d-1), regulate
 2-35 or prohibit an employee's carrying or possession of a firearm,
 2-36 firearm accessory, or ammunition in the course of the employee's
 2-37 official duties.

2-38 (b-1) The exception provided by Subsection (b)(3) does not
 2-39 apply if the ordinance or regulation is designed or enforced to
 2-40 effectively restrict or prohibit the manufacture, sale, purchase,
 2-41 transfer, or display of firearms, firearm accessories, or
 2-42 ammunition that is otherwise lawful in this state.

2-43 (d) The exception provided by Subsection (b)(4) does not
 2-44 authorize the seizure or confiscation of any firearm, air gun,
 2-45 knife, ~~or~~ ammunition, or firearm or air gun supplies or
 2-46 accessories from an individual who is lawfully carrying or
 2-47 possessing the firearm, air gun, knife, ~~or~~ ammunition, or firearm
 2-48 or air gun supplies or accessories.

2-49 (d-1) The exception provided by Subsection (b)(10) does not
 2-50 authorize a municipality to regulate an employee's carrying or
 2-51 possession of a firearm in violation of Subchapter G, Chapter 52,
 2-52 Labor Code.

2-53 (e) In this section:

2-54 (1) "Air gun" means any gun that discharges a pellet,
 2-55 BB, or paintball by means of compressed air, gas propellant, or a
 2-56 spring.

2-57 (2) "Ammunition" means fixed cartridge ammunition,
 2-58 shotgun shells, individual components of fixed cartridge
 2-59 ammunition and shotgun shells, projectiles for muzzle-loading
 2-60 firearms, or any propellant used in firearms or ammunition.

2-61 (3) "Firearm or air gun accessory" means a device
 2-62 specifically designed or adapted to:

2-63 (A) enable the wearing or carrying by a person,
 2-64 or the storage or mounting in or on a conveyance, of a firearm or air
 2-65 gun; or

2-66 (B) be inserted into or affixed to a firearm or
 2-67 air gun to enable, alter, or improve the functioning or
 2-68 capabilities of the firearm.

2-69 (4) "Knife" has the meaning assigned by Section 46.01,

3-1 Penal Code.
3-2 (5) [~~3~~] "Sport shooting range" has the meaning
3-3 assigned by Section 250.001.

3-4 (f) The attorney general may bring an action in the name of
3-5 the state to obtain a temporary or permanent injunction against a
3-6 municipality adopting a regulation in violation of this section.
3-7 The attorney general may recover reasonable expenses incurred in
3-8 obtaining an injunction under this subsection, including court
3-9 costs, reasonable attorney's fees, investigative costs, witness
3-10 fees, and deposition costs.

3-11 SECTION 2. Section 236.001(1), Local Government Code, is
3-12 amended to read as follows:

3-13 (1) "Air gun," "ammunition," and "firearm or air gun
3-14 accessory" have the meanings [~~gun" has the meaning~~] assigned by
3-15 Section 229.001.

3-16 SECTION 3. Section 236.002, Local Government Code, is
3-17 amended to read as follows:

3-18 Sec. 236.002. FIREARMS; AIR GUNS; SPORT SHOOTING RANGE.
3-19 (a) Notwithstanding any other law, including Chapter 251,
3-20 Agriculture Code, a county may not adopt or enforce regulations
3-21 relating to:

3-22 (1) the transfer, possession, wearing, carrying,
3-23 [~~private~~] ownership, storage [~~keeping~~], transportation, licensing,
3-24 or registration of firearms, air guns, knives, ammunition, or
3-25 firearm or air gun supplies or accessories; [~~or~~]

3-26 (2) commerce in firearms, air guns, knives,
3-27 ammunition, or firearm or air gun supplies or accessories; or

3-28 (3) the discharge of a firearm or air gun at a sport
3-29 shooting range.

3-30 (b) An ordinance, rule, resolution, or policy adopted or
3-31 enforced by a county, or an official action, including in any
3-32 legislative, police power, or proprietary capacity, taken by an
3-33 employee or agent of a county in violation of this section is void.

3-34 (c) Subsection (a) does not affect the authority of a county
3-35 to:

3-36 (1) require a resident or public employee to be armed
3-37 for personal or national defense, law enforcement, or other purpose
3-38 under other law;

3-39 (2) regulate the discharge of firearms or air guns in
3-40 accordance with Section 235.022;

3-41 (3) regulate the carrying of a firearm by a person
3-42 licensed to carry a handgun under Subchapter H, Chapter 411,
3-43 Government Code, in accordance with Section 411.209, Government
3-44 Code;

3-45 (4) except as provided by Subsection (d), adopt or
3-46 enforce a generally applicable land use regulation, fire code, or
3-47 business regulation; or

3-48 (5) except as provided by Subsection (e), regulate or
3-49 prohibit an employee's carrying or possession of a firearm, firearm
3-50 accessory, or ammunition in the course of the employee's official
3-51 duties.

3-52 (d) A county order or regulation designed or enforced to
3-53 effectively restrict or prohibit the manufacture, sale, purchase,
3-54 transfer, or display of firearms, firearm accessories, or
3-55 ammunition that is otherwise lawful in this state is void.

3-56 (e) Subsection (c)(5) does not authorize a county to
3-57 regulate an employee's carrying or possession of a firearm in
3-58 violation of Subchapter G, Chapter 52, Labor Code.

3-59 (f) The attorney general may bring an action in the name of
3-60 the state to obtain a temporary or permanent injunction against a
3-61 county adopting a regulation, other than a regulation under Section
3-62 236.003, in violation of this section. The attorney general may
3-63 recover reasonable expenses incurred in obtaining an injunction
3-64 under this subsection, including court costs, reasonable
3-65 attorney's fees, investigative costs, witness fees, and deposition
3-66 costs.

3-67 SECTION 4. This Act takes effect September 1, 2019.

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